

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KAREEM ARMSTRONG,
Petitioner,

v.

BRIAN D. COLEMAN, et al.
Respondents.

:
:
:
:
:
:
:
:

CIVIL ACTION

NO. 11-4354

ORDER

On July 6, 2011, Kareem Armstrong submitted a petition for habeas corpus relief. 28 U.S.C. § 2254. On February 10, 2012, the Magistrate issued a Report and Recommendation concluding that the petition should be dismissed without prejudice. (*Doc. No. 10*.) The Parties have not filed objections to the Report, and the date to do so has passed. See Local Rule 72.1.

I may accept, reject, or modify, in whole or in part, the findings and recommendations contained in the Report. 28 U.S.C. § 636 (b)(1)(C). Because no objections have been filed, I am not required to review the Report's findings *de novo*, though I give them "reasoned consideration." See Henderson v. Carlson, 812 F.2d 874, 879 (3d Cir. 1987).

After careful review of the record and the Report and Recommendation, I agree with the Magistrate that Petitioner has not exhausted his state remedies, and therefore may not seek habeas relief in this Court. See O'Sullivan v. Boerckel, 526 U.S. 838, 847-48 (1999). Accordingly, I will adopt the Report and Recommendation, and dismiss Armstrong's petition without prejudice.

AND NOW, this 11th day of April, 2012, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice.
3. There is no basis for the issuance of a certificate of appealability.

IT IS SO ORDERED.

/s/ Paul S. Diamond

PAUL S. DIAMOND, J.